



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Annual Civil Rights Training

Arizona Department of Economic Security • Division of Community Assistance and Development
Community Service Programs • Coordinated Hunger Relief Program

rev. Oct.2022

Purpose of Training

This course will introduce you to or refresh your knowledge of: modern civil rights legislation; protected bases identified in the legislation and the differences among CSFP and TEFAP compliance requirements; how to provide meaningful access to people who have limited proficiency with the English language; special rules for faith-based agencies; public notification systems; the provision of excellent customer service as a complaint countermeasure; how to handle complaints of discrimination; and additional information including some of the civil rights compliance resources available to you.

~For those agencies that have not signed a TEFAP/CSFP agreement and do not currently distribute USDA commodities, as a partner of SMFB, you are required to honor the civil rights of all clients as outlined in this training.

Course Topics

1. Civil Rights Legislation
2. Protected Bases
3. Assurances
4. Accessibility for Disabled Persons
5. Program Access for People with Limited English Proficiency
6. Equal Opportunity for Faith-Based Agencies
7. Effective Public Notification Systems
8. Customer Service and Its Role in Civil Rights Complaints
9. Complaint Filing and Handling
10. Compliance Monitoring
11. Additional Information and Resources

1. Civil Rights Legislation

Civil Rights Act of 1964

Prohibits discrimination based on race, color, and national origin in programs and activities receiving Federal financial assistance.

Title IX of the Education Amendments of 1972

Prohibits discrimination based on sex under any education program or activity receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability.

Age Discrimination Act of 1975

Prohibits discrimination based on age in programs and activities receiving Federal financial assistance.

1. Civil Rights Legislation

The Civil Rights Restoration Act of 1987

Clarifies the scope of Title VI of the Civil Rights Act of 1964 and related laws to ensure nondiscrimination in all programs and activities, regardless of individual program funding sources.

The Americans with Disabilities Act of 1990

Prohibits discrimination based on disability in all services, programs, and activities provided to the public by State and local governments, except for public transportation services.

2. Bases and Protected Bases

Base

A characteristic of a person, such as the person's race, religion, or national origin

Class

Individuals who share a common base

Protected Base

A specific, identified characteristic on which the level of service provided to the person must not be considered

Protected Class

Individuals who share a common protected base

2. Protected Bases

Race	Color
National Origin	Age
Sex	Disability

3. Assurances

To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

Regional Food Bank and Agency Agreements

Form HRP-1040 *“Annual USDA Commodity Food Service Application and Agreement between Regional Food Bank and Distribution Site”* is completed annually for each of the Regional Food Bank’s TEFAP and CSFP recipient agencies.

4. Accessibility for Disabled Persons

Regional Food Banks and their recipient agencies are required to provide reasonable accommodations for clients who are disabled or have limited mobility.

This can be accomplished by

- Ensuring intake/distribution sites have ramps and/or elevators.
- Promoting the use of proxies
- Providing various forms of distribution in addition to “walk-up” including drive-thru and home delivery models (where available)

5. Program Access for People with Limited English Proficiency

Limited English Proficiency (LEP) Persons

- An LEP person does not speak English as their primary language and has a limited ability to speak, write, read, or understand English.
- LEP persons must be provided the same opportunities to access program services and activities.
- The failure to provide potentially eligible LEP persons with access to Federally-assisted programs **may be considered discrimination** based on national origin.
- Agencies must take reasonable steps to assure **meaningful access** to the information and services they provide.

5. Program Access for People with Limited English Proficiency

Determining Reasonable Steps to Meaningful Access

The reasonable steps an agency takes to assure meaningful access are dependent on a number of factors.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient;
2. Frequency with which LEP individuals come in contact with the program;
3. Nature and importance of the program, activity, or service provided by the program;
4. Resources available and their costs.

5. Program Access for People with Limited English Proficiency

Determining Reasonable “Ask Yourself” Steps to Meaningful Access

Evaluate the agency’s compliance obligation and capacity by considering past activity, current resources, and workload projections.

5. Program Access for People with Limited English Proficiency

STEP 1:

- How often does the agency provide services to LEP persons?
- What percentage of our clients are LEP persons?
- What languages have we encountered in the past?
- Will outreach initiatives increase our contacts with LEP persons?

STEP 2:

- What have we experienced when providing LEP services?
- What does the census data say about language usage in our local area?
- Are there any school district, State, or local statistics to consult?
- What have other agencies in the area determined about the community's language proficiency, usage and needs?

5. Program Access for People with Limited English Proficiency

STEP 3:

- How important are our programs, services, or activities to people's lives?
- Would denying or delaying program access present serious or life-threatening implications?
- Does the program include compulsory activities, such as particular education programs or information distribution requirements, that can be seen as evidence of the program's importance?

STEP 4:

- What is our level of resources?
- Are there other agencies or groups we can contact to pool or share LEP materials or development costs?
- Do we have bilingual staff or volunteers we can train to act as interpreters and translators?
- At what point does the resource expenditure become unreasonable when compared the benefits gained?
- Can we substantiate a claim of insufficient resources when limiting language assistance services?

6. Equal Opportunity for Faith-Based Agencies

A Level Playing Field – Implementation of Executive Order 13559

Executive Order 13559 and USDA implementing regulations ensure a level playing field for the participation of faith-based agencies and other community organizations in USDA programs.

- Prohibits discrimination for or against faith-based agencies in the administration or distribution of Federal funds
- Allows agencies to retain their independence and carry out their missions
- Clarifies that agencies can use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures, or other symbols.
- Ensures no organization receiving Federal financial assistance can discriminate on the basis of religion or religious belief

6. Equal Opportunity for Faith-Based Agencies

TEFAP Only

For TEFAP, prominently display HRP-1050A and HRP-1050A-S TEFAP Written Notice of Beneficiary Rights poster at its original size of 11-inches wide and 17-inches tall where it will be visible to all program beneficiaries and prospective beneficiaries upon entrance into the distribution site.

The poster is titled "THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP) Written Notice of Beneficiary Rights". It features the Department of Economic Security logo at the top, which includes a silhouette of a family and the text "DEPARTMENT OF ECONOMIC SECURITY Your Partner For A Stronger Arizona". Below the title, there are fields for "Name of Organization", "Contact Information for Program Staff", "Name", "Phone Number", and "Email". The main body of the poster contains five numbered points regarding non-discrimination and religious freedom. Point 1 states that the agency may not discriminate on the basis of religion or religious belief. Point 2 states that the agency may not require attendance at religious activities. Point 3 states that religious activities must be voluntary. Point 4 states that the agency must make reasonable efforts to identify and refer to an alternate provider if it has no objection. Point 5 states that the agency must report violations of these protections to the State agency. At the bottom, there is contact information for the Arizona Department of Economic Security, Coordinated Hunger Relief Program, and a list of contact methods: mail, fax, and email. The poster also includes a small note about the USDA's role as an equal opportunity provider and a reference to the USDA Program Discrimination Complaint Form.

6. Equal Opportunity for Faith-Based Agencies

CSFP Only

The individual written notice of beneficiary protections must be given to all applicants at the time they apply for CSFP.

Give form HRP-1034A or HRP-1034A-S to every CSFP applicant **at the time of application** to comply with notice requirements.

6. Equal Opportunity for Faith-Based Agencies

TEFAP/CSFP Only

Refer persons who object to the religious character of the agency to an alternate service provider, when possible.

Use form HRP-1026A or HRP-1026A-S when an applicant objects to the religious character of the agency.

The availability of an alternate provider is not guaranteed.

Engage with your regional food bank when you need help locating an alternate provider.

Always protect client privacy when referring.

7. Effective Public Notification Systems

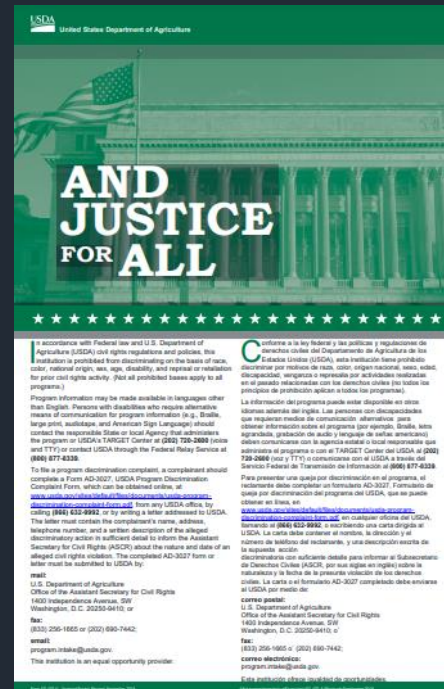
All USDA FNS assistance programs must include a public notification system.

Public notification systems are critical channels of communication. These systems involve three basic elements.

- Program Availability – details program rights and responsibilities and steps necessary for participation.
- Complaint Information – advises people of their right to file a civil rights complaint, how to file a complaint, and the complaint procedures.
- Nondiscrimination Statement – clearly lists protected bases and informs on nondiscrimination policy.

7. Effective Public Notification Systems

All USDA FNS assistance programs must include a public notification system. Prominently display the appropriate AD-475A “And Justice for All” poster.



Posters must be displayed in their original size of 11” x 17”

Full Color or Grayscale

7. Effective Public Notification Systems

All USDA FNS assistance programs must include a public notification system. Inform on available programs and steps necessary to participate.



The flyer features a red pushpin on the left side. A yellow box in the top right corner contains the text: "Open Monday-Friday 9am—1pm" and "Saturdays 9am—11am". The main title is "City Food Bank". Below the title, the text reads: "You may receive an emergency food box once a month." followed by "Requirements: Self-Declare you meet the income guidelines", "Bring photo ID", and "Proof that you live in the service area. ZIP codes served: 85333 and 85334". At the bottom, it states "USDA is an equal opportunity provider and employer" and a blue box contains the phone number "TEL: 555 555 5555".

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9am—1pm
Saturdays 9am—11am**

City Food Bank

You may receive an emergency food box once a month.

Requirements: Self-Declare you meet the income guidelines

Bring photo ID

Proof that you live in the service area. ZIP codes served: 85333 and 85334

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7. Effective Public Notification Systems

All USDA FNS assistance programs must include a public notification system.

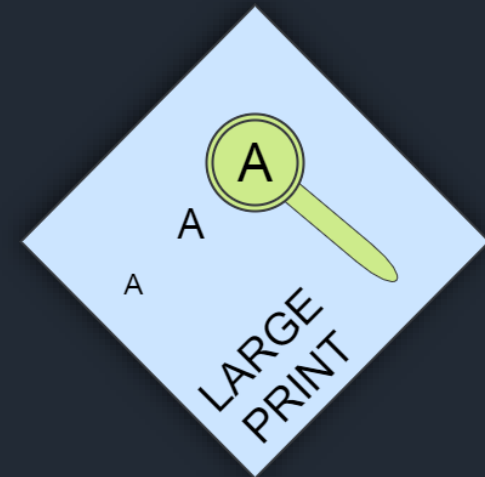
Provide information, including information on websites, in alternative formats for people with disabilities.



Audio
Descriptions



Braille



Large Print
Transcriptions

7. Effective Public Notification Systems

All USDA FNS assistance programs must include a public notification system.

Include the required nondiscrimination statement on all appropriate agency publications, websites, posters, and other materials meant for the public.

- Websites must include the full statement, or a direct hyperlink to the statement, on the program information home page.
- Use the full standard statement on large items like pamphlets, brochures, and other multi-page materials.
- Use the short statement on smaller items like flyers, door hangers, and appointment or post cards.

You do not need to include a nondiscrimination statement on reinforcement items, such as pens, note pads, or fabric grocery bags.

8. Customer Service and Its Role in Civil Rights Complaints

Good customer service can help agencies avoid complaints.

The USDA has found that many civil rights complaints are actually customer service issues.

A perception of rudeness, impatience, or a lack of understanding or compassion can be interpreted in a number of ways.



- Be an active listener
- Make people feel appreciated
- Help people understand program rules
- Don't be afraid to apologize
- Ask for feedback
- Anticipate needs
- Be aware of body language
- Look for ways to say, "Yes"
- Exceed expectations
- Apply the same concepts to coworkers

9. Complaint Filing and Handling

Any person has the right to file a complaint of discrimination.

Complaints must be filed within 180 days of the alleged discriminatory action.

- Complaints can be written or verbal.
- All complaints must be accepted.
- All complaints citing Federal bases will be referred to FNS.
- Anonymous complaints are handled the same as other complaints.
- Agencies cannot require a complaint to be submitted on a special form.
- Complainants and agencies are encouraged to resolve the complaint at the lowest level and as expeditiously as possible.

9. Complaint Filing and Handling

TEFAP/CSFP Only

People can choose to register a complaint with the agency, USDA, or DES.

Keep HRP-1014A and HRP-1014A-S USDA Civil Rights Complaint/Grievance forms available and ready to give to people at their request. Train staff and volunteers on how to use the form.

9. Complaint Filing and Handling

Verbal complaints require agency assistance.

When receiving a verbal complaint, agency staff or volunteers become obligated to complete the complaint form. Every effort should be made to complete the form with as much information as possible.

1. Complainant contact information
2. The name and location of the agency receiving the complaint
3. The nature of the incident or action that led to the complaint
4. The basis on which the complainant believes discrimination exists
5. Witness contact information
6. The date the action or actions occurred
7. If the action or actions are ongoing, the date they began.

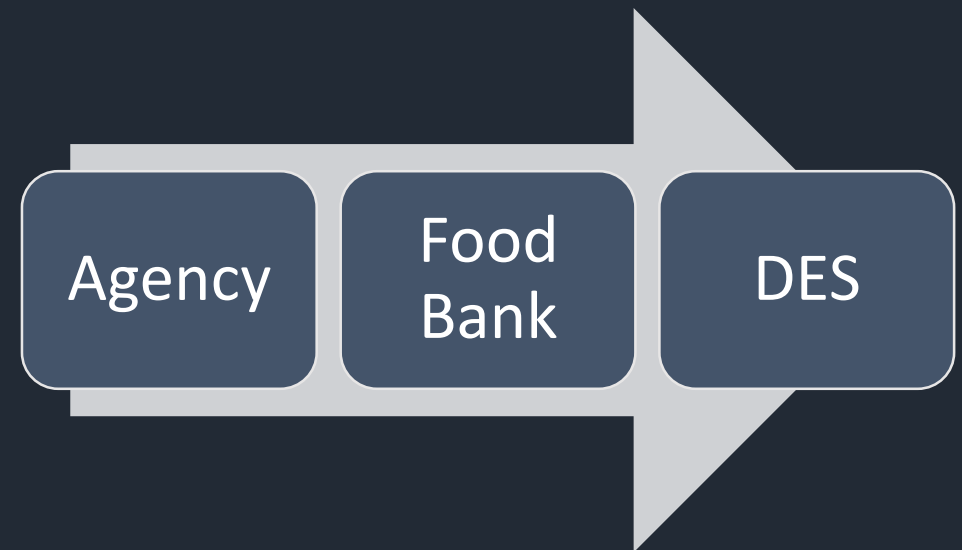
9. Complaint Filing and Handling

All complaints alleging discrimination must be processed within 90 days.

Complaints are sent to the Food Bank who sends them to DES

Place a copy of the complaint in the civil rights complaint log, and document all actions and conversations related to the complaint.

Agencies may create their own log formats and storage methods. Binders, folders, and electronic storage are acceptable.



10. Compliance

Compliance Reviews

- DES HRP is responsible for reviewing the CR compliance of CSFP and TEFAP regional food banks.
- CSFP and TEFAP regional food banks are responsible for reviewing the CR compliance of local distribution sites.
- USDA or DES HRP may, at any time, perform a CR compliance review of any agency under their respective authority.
- The office performing the review must advise the reviewed agency, in writing, of review findings and recommendations.
- Agencies must be in compliance with CR requirements to be eligible for Federal financial assistance.

10. Compliance

Resolving Noncompliance

- Immediately after noncompliance is determined, agencies receive written notification and recommendations for corrective action.
- DES HRP attempts to achieve voluntary compliance.
- Agencies have 60 days to complete corrective action.
- When agencies do not comply with the corrective action voluntarily, DES HRP engages with the USDA Office of Civil Rights for further action.

Failure to comply with CR requirements may lead to the loss of Federal funding or other penalties as provided by 7 C.F.R. Part 15.

11. Additional Information and Resources

Training

- Must be taken every year
- Mandatory for frontline staff and volunteers
- Mandatory for the supervisors of frontline staff and volunteers
- Mandatory for Program administrators and encouraged for agency leadership
- Paid frontline staff and supervisors must take the full training course.
- Volunteers, program administrators, and agency leadership may choose to take the short-form course.
- Specific topics must be covered.
- DES HRP trains local agency specialists; local agency specialists train their respective agency personnel.

11. Additional Information and Resources

TEFAP/CSFP Only

Data Collection and Reporting

Used to determine how effectively FNS programs are reaching potential eligible persons and beneficiaries, and to identify areas where additional outreach is needed.

- Client self-identification of race and ethnicity is preferred.
- Agency identification of client race and ethnicity is acceptable when clients decline to provide a response.
- Collected by DES when completing an online application or when a paper application is submitted to a local eligibility office
- Two ethnicity categories – clients pick one option
- Five or more race categories – clients pick as many options as necessary

The collection of this data is **required** for CSFP participants but optional for TEFAP participants.

11. Additional Information and Resources

Data Collection and Reporting

Clients must never be required to furnish information about their races or ethnicities as a condition of eligibility. When clients decline to provide the information, agencies must provide the information on the client's behalf. Observe the client and determine, to the extent practicable, the client's race and ethnicity. When the client provides the information, agencies must not alter the provided data.



11. Additional Information and Resources

Full nondiscrimination statement

The full English and Spanish nondiscrimination statements in PDF are available for download on the USDA FNS website.

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

Reinforcements do not need to include a nondiscrimination statement.

11. Additional Information and Resources

Short nondiscrimination statement

The short nondiscrimination statement may be used on material that is too small to permit the full statement to be included. The statement must be in a print size no smaller than the text of the material.

This institution is an equal opportunity provider.

11. Additional Information and Resources

FNS 113-1 Civil Rights Compliance and Enforcement – Nutrition Programs and Activities

Establishes and conveys policy and provides guidance and direction to the United States Department of Agriculture Food and Nutrition Service and its recipients and customers and ensure compliance with and enforcement of the prohibition against discrimination in all FNS nutrition programs and activities, whether federally funded in whole or not.

<https://www.fns.usda.gov/civil-rights-compliance-and-enforcement-%E2%80%93-nutrition-programs-and-activities>

11. Additional Information and Resources

State Agency Contact Information

Arizona Department of Economic Security
Division of Aging and Adult Services
Community Service Programs
Coordinated Hunger Relief Program

1789 West Jefferson Street, MD 6282, Phoenix, Arizona 85007
(602) 771-2788

CoordinatedHungerReliefProgram@azdes.gov

<https://des.az.gov/services/basic-needs/food-assistance>

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. To request this document in alternative format or for further information about this policy, contact the Division of Aging and Adult Services at 602-542-4446; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request.



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